

### **INFORMATION DISCLOSURE STATEMENT**

In order to ensure compliance with applicants' duty of disclosure under 37 C.F.R. §1.56 and §1.97(a)-(d), applicants request that the following references be considered and made of record in the above-identified application.

1. PCT International Publication No. WO 97/10211, published 03/20/1997 (Sanofi Bichon);
2. European Application No. EP 0673928A, published 09/27/1995 (Sanofi);
3. US Patent No. 5,434,158, issued on 07/18/1995 (Shah Shrenik, et al.);
4. European Application No. EP 0068999A, published 01/05/1983 (Fabre SA Pierre);
5. Bonnaud, B. et al. (1987) "1-Aryl-2-(aminomethyl)cyclopropanecarboxylic acid derivatives. A new series of potential antidepressants", *Journal of Medicinal Chemistry*; 30(2): 318-325; and
6. PCT International Publication No. WO 03/051869, published 06/26/2003 (Bang Noergaard, et al.).

Pursuant to M.P.E.P. §609, applicants note that "Where the information listed (in an Information Disclosure Statement) is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office."

The above-listed references 1-6 were cited in the International Search Report issued November 4, 2004 in connection with PCT/DK2004/000538. A copy of the International Search Report is attached hereto.

C.F.R. §1.98(a)(2)(i) has been amended to eliminate the requirement in paragraph (a)(2)(i) for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application. Accordingly, a copy of reference 3 is not enclosed herewith. Copies of references 1, 2, 4, 5 and 6 are enclosed.

It is respectfully requested that the Examiner consider the cited references and that copies of enclosed Form PTO/SB/08a and Form PTO/SB/08b be initialed and returned indicating that such information has been considered. Applicants respectfully request that the Examiner make the cited references of record in the subject application.

If a telephone interview would be of assistance in advancing prosecution of the above-identified application, applicants' undersigned attorney invites the Examiner to telephone the number provided below.

No fee, other than the enclosed \$5800.00 filing fee for the subject application, is deemed necessary in connection with filing this Preliminary Amendment and Information Disclosure Statement. However, if an additional fee is required, authorization is hereby given to charge this fee, and any other fees not covered by the enclosed check to Deposit Account Number 503201.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen G. Kalinchak", written over a horizontal line.

Stephen G. Kalinchak  
Registration No. 38,747  
Lundbeck Research USA, Inc.  
215 College Road  
Paramus, New Jersey 07652  
(201) 350-0781 (phone)  
(201) 225-9571 (fax)

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**Complete if Known**

Application Number	Not Yet Assigned
Filing Date	Herewith - February 15, 2006
First Named Inventor	Jan Kehler
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	437-US-CIP

Sheet	1	of	2
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO 97/10211	03-20-1997	Sanofi		
		WO 03/051869	06-26-2003	H. Lundbeck A/S		
		EP 0673928	09-27-1995	Sanofi		
		EP 0068999	01-05-1983	Fabre SA Pierre		

Date Considered

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

JAP20 Rec'd POTATO 15 FEB 2006

PTO/SB/08b (07-05)

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Substitute for form 1449B/PTO				<b>Complete if Known</b> Application Number: Not Yet Assigned Filing Date: Herewith - February 15, 2006 First Named Inventor: Michael Konkell Art Unit: Not Yet Assigned Examiner Name: Not Yet Known Attorney Docket Number: 437-US-PCT	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)					
Sheet	2	of	2		

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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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